

Dallas C. Clark Jr., Chair
1698 E. Arlington St.
Greenville, NC 27858

Michael E. Weddington – Vice-Chair
PO Box 2611
Raleigh, NC 27602

Carl W. Davis Jr.
9331 Fawn Lake Dr.
Raleigh, NC 27617

Terri L. Gardner
4140 Parklake Ave.
Suite 200
Raleigh, NC 27612

Dr. D. Allen Hayes
3480 Wake Forest Rd.
Suite 414
Raleigh, NC 27609

Steven L. Jordan
4629 Mill Rock Lane
Raleigh, NC 27616

J. Matthew Martin
3 Briarcliff Dr.
Asheville, NC 28803

Edward P. Tewkesbury
2706 Pinedale Rd., Suite A
Greensboro, NC 27408

Jeri L. Whitfield
300 N. Green St.
Suite 1400
Greensboro, NC 27401

Alice Neece Mine
Executive Director

Denise Mullen
Assistant Director
North Carolina State Bar
Board of Legal Specialization
PO Box 25908
Raleigh, NC 27611
(919) 828-4620

The North Carolina State Bar Board of Legal Specialization

2008 Application for Recertification as a Specialist

- **Criminal Law (State and Federal/State)**
- **Criminal Appellate Practice**
- **Social Security Disability**
- **Workers' Compensation**

208 Fayetteville Street, PO Box 25908
Raleigh, NC 27611
(919) 828-4620

www.nclawspecialists.gov

The North Carolina State Bar Board of Legal Specialization

Special Instructions and Information for Applicants

Please read and follow these instructions before completing this application.

1. **READ** the North Carolina Plan of Specialization, the standards for recertification in your specialty area, and the regulations for accreditation of continuing legal education. These materials are found at 27 N.C.A.C. 1D, Sect.1700 et seq. and are published in the *North Carolina State Bar Lawyer's Handbook*.

2. **FILING FEE**—A filing fee of \$250.00 must accompany this application. All checks should be payable to the North Carolina State Bar Board of Legal Specialization. Rejection or withdrawal of an application will not entitle an applicant to a refund of the fee or any part of the fee.

3. **FILING TIMELINESS**—The application shall be considered timely filed if the application is delivered to the office of the North Carolina State Bar before 5:00 p.m. on August 31, 2008, or is postmarked no later than August 31, 2008. Applications received between September 1 and December 31, 2008, will be accepted with a \$250 late filing fee. Applications received after December 31, 2008, will not be accepted.

4. SPECIAL INSTRUCTIONS FOR COMPLETING APPLICATION FORM—

A. Please answer each question. If additional space is needed, attach pages to application.

B. **Substantial Involvement**—On page 10, the applicant is asked to describe his or her practice during each of the preceding five years. To qualify for recertification, the applicant's practice in the area of law for which certification is sought must equal or exceed the substantial involvement requirements set forth in the standards for the specialty.

C. **CLE Requirements**—Applicants are not required to file detailed CLE histories with this application. The board will verify pre-2008 CLE credits by consulting the records of the Board of Continuing Legal Education. However, an applicant relying upon CLE credit from activities that were not reported to the CLE Board should describe those activities on the form provided.

D. **Fulfillment of Requirements in 2008**—Although the deadline for applying for recertification is August 31, 2008, some applicants may not have completed the annual

requirements relating to substantial involvement or CLE by that time. Any applicant who has not met one or both of the requirements for 2008 by the time his or her application for recertification is filed, but who expects to fulfill the requirements by the end of the calendar year, should note that circumstance in the space provided on the application and should supplement his or her application by letter later in the year when the requirement has been fulfilled.

5. **PROCESSING OF APPLICATIONS**—A notice showing the date of filing will be sent to each applicant. Only completed applications will be reviewed by the Board of Legal Specialization. An applicant will be notified by mail of the acceptance or rejection of his or her application.

6. **EXAMINATION**—No examination is required for recertification.

7. **NOTICE OF RECERTIFICATION**—Applicants for recertification will be notified of the board's decision in regard to their applications in January 2009.

8. **CONFIDENTIALITY**—All information contained in the application, supporting documents contained in the applicant's recertification file, and peer reference information and statements, shall be confidential and shall be only available to the board, the appropriate specialty committee, or any appropriate body or tribunal in event of an appeal.

9. **REFERENCES**—Each applicant for recertification is asked to submit the names and addresses of references in support of his or her application. These individuals will be contacted by the Board of Legal Specialization, or its representatives, and asked to complete written peer reference statements. A minimum of five (5) completed peer reference statements must be received for each applicant. Applicants are not responsible for asking their references to complete the forms. The board, or its representatives, may contact in person or by telephone any reference listed by an applicant or any other lawyer or judge qualified to evaluate the applicant's competence and qualification in the specialty area.

10. **COMPLETED APPLICATIONS**—All completed applications should be mailed to the Executive Director, The North Carolina State Bar Board of Legal Specialization, PO Box 25908, Raleigh, NC 27611.

**The North Carolina State Bar
Board of Legal Specialization
2008 Application for Recertification of Specialist**

Filed: _____
(For Office Use Only)

File number _____
(For Office Use Only)

Full name: Mr. Mrs. _____ State Bar number _____
(First) (Middle) (Last)

Firm or employer _____

Office address _____

City _____ State _____ Zip _____

Telephone number (Office) _____ (FAX) _____

E-mail _____ Website _____

List any other state bars to which you have been admitted and dates of admission:

If you have been certified as a specialist by any organizations other than the North Carolina State Bar Board of Legal Specialization (the "board"), list the name and date of each certification and identify the certifying organization:

Since the date of your last certification as a specialist by the board, have you been disciplined for misconduct by the North Carolina State Bar or by the bar of any other state to which you are admitted? _____
If so, for each such instance, please provide the following:

a) the name of the court imposing the discipline: _____

b) the date and type of the discipline imposed: _____

c) a copy of the order of discipline or other written form of discipline.

Since the date of your last certification as a specialist by the board, have you been disciplined or sanctioned by any state or federal court? _____

If so, for each such instance, please provide the following:

a) the name of the court imposing the discipline or sanction: _____

b) the type of discipline or sanction imposed: _____

c) a copy of the court order imposing the discipline or sanction.

Since the date of your last certification as a specialist by the board, have you been a defendant in a legal malpractice action which was resolved by a judgment against you or by a settlement payment to the plaintiff(s)?

If so, for each such action, please provide the following:

a) the date of filing and the venue of the action: _____

b) how the action was resolved (judgment or settlement): _____
(If you desire, you may attach an explanatory statement.)

c) a copy of the complaint; and

d) a copy of the judgment or settlement agreement.

List any other area(s) in which you are certified as a specialist by the board.

Please check the area in which you seek recertification:

- ☐ State Criminal Law
- ☐ State/Federal Criminal Law
- ☐ Criminal Law Appellate Practice
- ☐ Social Security Disability Law
- ☐ Workers' Compensation Law

ACKNOWLEDGMENT OF APPLICANT:

- I have read the rules of the board and the standards of the specialty. I agree to comply with the rules and regulations of the board and the standards of the specialty.
- I understand that recertification is voluntary. I understand that I will be able to continue to practice in fields of law other than the one in which I am applying for recertification, as well as in the specialty area, even if I am denied recertification.
- I am currently licensed to practice law in North Carolina and I am in good standing.
- I understand that I may be certified as a specialist in no more than two fields of law.
- Check one:
 - ☐ I have had "substantial involvement" (as defined in the certification standards) in the area of law for which recertification as a specialist is sought during the five calendar years since I was originally certified.
 - ☐ I have had "substantial involvement" (as defined in the certification standards) in the area of law for which recertification as a specialist is sought during the five calendar years since I was originally certified, except that I have yet to satisfy fully the requirement for the current year. I intend to do so and will notify the board as soon as possible thereafter.
- Check one:
 - ☐ I have achieved the number of continuing legal education credits required by the standards of the specialty during the past five (5) calendar years (including 2008).

☐ I have achieved the number of continuing legal education credits required by the standards of the specialty during the past five (5) calendar years, except that I must complete the requirement for the current year. I intend to do so and will notify the board as soon as possible thereafter.

- I hereby authorize the board to verify my CLE activities by reviewing records of the same maintained by the Board of Continuing Legal Education.
- I consent to a confidential inquiry by the board of the references listed on the Statement of References and others familiar with my competence for the purpose of determining whether I fulfill the requirements for recertification. I further agree that all information received by the Board of Legal Specialization in conjunction with my application, including, but not limited to, peer reference information and statements, shall be confidential and shall be available for use only by the board, the appropriate specialty committee, and any other appropriate body or tribunal in event of an appeal, to determine my qualifications for recertification. I specifically waive the right to review the peer reference statements made to the board that become part of my official file.
- I agree to surrender any certificate of specialty granted to me by the Board of Legal Specialization if such certificate is revoked by the Board of Legal Specialization. I agree to pay all fees required by the board when due.
- I understand the period of recertification is five (5) years. Thereafter, if I desire to continue my certification. I must comply with the standards regarding continued certification as a specialist.
- I affirm the contents of this application and its attachments, and I affirm that the material representations of my experience and education set forth herein are true and correct.
- I am enclosing my check for \$250.00 as the recertification fee. I understand this fee is nonrefundable regardless of the disposition of my application.

☐ (***Please check***) Submission of this application constitutes the applicant's verification of the truth of all statements and representations contained herein.

This the _____ day of _____, 20 _____

Print or type full name

Signature

RETURN TO:

The Executive Director
The North Carolina State Bar Board of Legal Specialization
PO Box 25908
Raleigh, NC 27611

**The North Carolina State Bar
Board of Legal Specialization
2008 Application for Recertification
Continuing Legal Education Form**

Name: _____ State Bar Number: _____

Date: _____ Area of Specialty: _____

This CLE credit form must be completed and submitted with your application (attach additional sheets if necessary). If approved by the Board of Legal Specialization, you may also receive credit toward recertification for any of the following activities during the past five years.

1. Attendance at a lecture-type course in the specialty field;
2. Preparation and presentation of written materials at an accredited CLE course;
3. Teaching a course in the specialty field at an academic institution;
4. Publication of a scholarly article in the specialty field;
5. Self-study; and
6. Advanced academic coursework (attendance at courses of instruction at a law school which could be credited toward an advanced degree in the specialty field).

1. Seminars or Courses Attended. Please list only those courses you have taken during 2008 or for which you are presently registered:

Title of Course	Name of Sponsor	Date	Location	# Hrs.	App. # (Office Use)

2. Lectures Prepared and Presented at Accredited CLE Courses in 2008:

Course	Name of Sponsor	Date	Location	# Hrs.	App. # (Office Use)

3. Teaching in the Specialty Field at an Academic Institution:

Course	School	Dates	Semester Hrs.	App. # (Office Use Only)

4. Publication of a Scholarly Article in the Specialty Field:

(Please submit a copy of the article with your application)

Name of Article	Publication	Date of Publication	# Words	App. # (Office Use Only)

5. Self-Study Courses:

Course Name	Sponsor	Description	Dates of Use	Hours	App. # (Office Use Only)

6. Advanced Academic Course Work (attendance at courses of instruction at a law school which can provide credit toward an advanced degree in the specialty field)

Course Name	School	Dates	Semester Hrs.	App. # (Office Use Only)

**The North Carolina State Bar
Board of Legal Specialization
2008 Statement of References:**

Applicant's Name: _____ Area of Specialty: _____

I. Peer References

Identify as references ten (10) lawyers or judges who are familiar with your competence and qualifications in the specialty. Insofar as possible, select persons who are board certified specialists in the specialty or are at least substantially involved in the area as that term is defined in the certification standards. At least two of your references must be so qualified. Please note that all references must be licensed and in good standing to practice law in North Carolina. You may not use as a reference persons who are your partners or associates or your relatives by blood or marriage, or who are involved with you in a continuing commercial relationship. Members of the Board of Legal Specialization and members of the applicable specialty committee may not serve as references.

1.	_____	_____
	name (type or print)	address
2.	_____	_____
	name	address
3.	_____	_____
	name	address
4.	_____	_____
	name	address
5.	_____	_____
	name	address
6.	_____	_____
	name	address
7.	_____	_____
	name	address
8.	_____	_____
	name	address
9.	_____	_____
	name	address
10.	_____	_____
	name	address

II. Opposing Counsel and Judges (*Criminal and Workers' Compensation applicants only.*)

List opposing counsel and judges in eight (8) recent cases you tried to verdict or entry of order.

1.	_____	_____
	case description	date
	_____	_____
	opposing counsel	judge/deputy commissioner/ALJ
2.	_____	_____
	case description	date
	_____	_____
	opposing counsel	judge/deputy commissioner/ALJ
3.	_____	_____
	case description	date
	_____	_____
	opposing counsel	judge/deputy commissioner/ALJ
4.	_____	_____
	case description	date
	_____	_____
	opposing counsel	judge/deputy commissioner/ALJ
5.	_____	_____
	case description	date
	_____	_____
	opposing counsel	judge/deputy commissioner/ALJ
6.	_____	_____
	case description	date
	_____	_____
	opposing counsel	judge/deputy commissioner/ALJ
7.	_____	_____
	case description	date
	_____	_____
	opposing counsel	judge/deputy commissioner/ALJ
8.	_____	_____
	case description	date
	_____	_____
	opposing counsel	judge/deputy commissioner/ALJ

2008 Substantial Involvement Information

Note: The following information is used to assess your substantial involvement in the specialty practice area; however, there are no mandatory minimum requirements for any of the activities listed in section II. Please complete only the part of section II relevant to the specialty practice area for which you are applying.

I. Experience During Five Years Prior to Application:

Briefly describe your practice during each of the preceding five (5) years (years run from July 1 to June 30). Indicate the estimated number of hours devoted to the specialty practice area in each year.

2003-04: _____

2004-05: _____

2005-06: _____

2006-07: _____

2007-08: _____

II. Practice Experience

For Criminal Law Applicants Only: Briefly summarize your experience, during the preceding five years, in the matters listed below. Applicants for recertification in federal/state criminal law must include federal court experience in their responses. Applicants for recertification in criminal appellate practice must complete part D. Attach additional sheets if necessary.

A. Criminal Trials Concluded by Verdict:

B. Representation as Principal Counsel of Record in Serious Felony (Class G or higher) Cases:

C. Court Appearances in Other Substantive Criminal Proceedings:

D. Representation in appeals to the North Carolina or federal appellate courts. Include a description of your experience with the following: writing briefs, motions practice, oral argument, and the preparation and argument of extraordinary writs:

For Social Security Disability Applicants Only:

A. Approximately how many OHA hearings have you averaged per year over the preceding five years? (Give only one average for the entire five-year period. Give only an approximate number. You do not have to search your records for an exact number*.) _____

Briefly summarize your experience with OHA hearings.

B. Approximately how many total US District Court civil actions have you brought in Social Security cases in the preceding five calendar years? (Give only an approximate total for the entire five-year period rather than an average per year. You do not have to search your records for an exact total.*) _____

Briefly summarize your experience with US District Court civil actions.

*Estimates should be substantially accurate and capable of verification.

For Workers' Compensation Applicants Only: Briefly summarize your experience, during the preceding five years, in the matters listed below.

A. Briefly summarize your experience as principal counsel of record, in cases tried to an opinion and award of the NC Industrial Commission. Dependency and disfigurement cases should not be included unless a case involved complicated factual and/or legal issues. An occupational disease case may be listed here if it is not also listed in Section B below.

B. Occupational Diseases Cases. Briefly summarize your experience with occupational disease cases that you tried to opinion and award including a description of factual and legal issues.

C. Mediations. Briefly summarize your experience in mediations of workers' compensation cases in which you participated either as a representative of a party or as a mediator.

D. Appeals. Briefly summarize your experience in handling appeals of workers' compensation cases to the North Carolina Court of Appeals or North Carolina Supreme Court. For each appeal discussed, indicate whether you made the oral argument and/or wrote the brief.
